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EXAMINER QUADER, FAZLUL				
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Please find below and/or attached an Office communication concerning this application or proceeding.

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DocketingDept@young-thompson.com

Office Action Summary

Application No.

10/588,890

Applicant(s)

VIIKARI ET AL.

Examiner

FAZLUL QUADER

Art Unit

2164

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-55 and 57-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-55 and 57-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. In view of applicant's clarifications, this case is being reopened and a supplemental final action is being issued.
2. Claims 33-55 and 57-60 *are* pending in this application.
3. Examiner acknowledges applicant's amendment on 07/02/2009
4. Claims 56-57 have been cancelled by the applicant.
5. Applicant's arguments filed 07/20/2009, with respect to claims 33-55 and 58-60 have been fully considered but they are not persuasive, for examiner's response see discussion below.

Claim Objection

6. In view of the amendment, the objection was withdrawn,

Claim Rejections - 35 USC § 112

7. The claim rejections under 35 USC 112 were withdrawn in view of the amendments.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 33-60 of the current application (effective filing date: Aug. 10, 2006) are rejected under 35 U.S.C. 103(a) as being unpatentable over Sorvari et al. (US 20040043758; pub. date: Mar. 04, 2004), hereinafter "Sorvari" in view of Barry et al. (US 20050216421; filing date: Apr. 28, 2005), hereinafter "Barry", further in view of Smith et al. (US 20030083938; pub. date: May 01, 2003), hereinafter Smith.

12. As to claim 33, Sorvari discloses, a data processing system comprising:

A database system for storing data elements data elements ([0050]);

data processing system for processing data elements , the database processing system being associated to a first subscriber of a telecommunication system ([0047]);

the data processing system comprising:

a first database with at least part of its records containing the name information of a subscriber of a telecommunications system and the subscriber's address in the telecommunications system ([0048]); and

interface means containing output means for outputting information to the user and input means for receiving as input information from the first subscriber ([0002]; [0010]);

said output means are arranged to output to the user at least a part of the content of a data element in connection with at least one selection option for selecting the name information of a subscriber for attaching person-based metadata that identifies the subscriber to the data element ([0035]; [0038]);

said input means are arranged to receive from the first subscriber as input from said connected output selection of a subscriber's name information ([0048]); wherein

said data processing means are, in response to the name selection by the user, arranged to fetch the subscriber address in the telecommunications system related to the selected name information from the first database ([0048]); and

to attach to the data element person based metadata that contains the fetched subscriber address in the telecommunications system ([0048]), and the system also comprises a database system for storing data elements, the database system comprising a server and a second database, said server being arranged to receive a fetch request for a data element from a user terminal accessing the server ([0028]-[0029]); and

Sovary does not explicitly disclose checking the access right to the data element on the basis of the subscriber address in the telecommunications system attached to the fetch request with the person-based metadata of the data element.

Sorvary, however, does not explicitly disclose, "selection option";

Smith, however, explicitly discloses checking the access right to the data element on the basis of the subscriber address in the telecommunications system attached to the fetch request with the person-based metadata of the data element (Smith: [0038]).

Barry, on the other hand, discloses, "selection option" that is modifiable (Barry: [0066]).

Sorvari, Smith and Barry are of the same field of endeavor, they specifically teach Web based telecommunication management (Sorvari: [0002]; Barry: [0002]; Smith: [0038]).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Barry and Smith into Sorvari of system and method for providing context sensitive recommendations to digital services, that would have allowed users of Sorvari to have an useful method of providing enterprise management tools to customers of a telecommunications service provider over the internet (Barry: [0002]) and tracking user activity at a terminal on a communication network and, more particularly, to methods and systems for generating user profiles based on user activity a communication terminal (Smith: [0001]).

13. As to claim 34, Sorvari as modified discloses, a data processing system as claimed in claim 33, wherein said output means are arranged to output a selection view that contains at least a part of the name information in the first database (Sorvari: [0052]).

14. As to claim 35, Sorvari as modified discloses, a data processing system as

claimed in claim 34, wherein said output means are also arranged to provide the user with the option of attaching to the data element an additional definition controlling its access right (Sorvari: [0279]; [0294]);

said input means are arranged to receive as input from the user said additional definition (Sorvari: [0295]);

said data processing means are arranged to attach said additional definition to the data element (Sorvari: [0295]).

15. As to claim 36, Sorvari as modified discloses, a data processing system as claimed in claim 34, wherein said output means are also arranged to provide the user with the option of attaching to the data element an additional definition controlling a function to be implemented during its storage (Sorvari: [0295]);

said input means are arranged to receive as input from the user said additional definition (Sorvari: [0295]);

said data processing means are arranged to attach said additional definition to the data element (Sorvari: [0295]).

16. As to claim 37, Sorvari as modified discloses, a data processing system as

claimed in claim 36, wherein the server is arranged to receive said additional definition (Sorvari: [0295]); and,

in response to the received additional definition, to execute during storage the function defined by the additional definition (Sorvari: [0295]).

17. As to claim 38, Sorvari as modified discloses, a data processing system as claimed in claim 37, wherein said function includes transmitting the data element to the subscriber identified by the address in the telecommunications system comprised in the person-based metadata (Sorvari: [0295]-[0296]).

18. As to claim 39, Sorvari as modified discloses, a data processing system as claimed in claim 33, wherein the system also comprises a clock unit for defining the generation time of the data element, the clock unit being also arranged to attach to the data element metadata containing a data series identifier (Sorvari: [0093]; [0123]);

measure a time interval between two data elements (Sorvari: [0076]; [0300]);

compare the time interval with a predefined reference value (Sorvari: [0076]; [0300]);

attach, in response to undershooting the reference value, to the later data element the same identifier as to the earlier data element (Sorvari: [0076]); and

attach, in response to exceeding the reference value, to the later data element a different identifier than to the earlier data element (Sorvari: [0076]).

19. As to claim 40, Sorvari as modified discloses, a data processing system as claimed in claim 33, wherein the system also comprises a calendar unit (Sorvari: [0308]), the calendar unit being also arranged to:

detect the generation time of the data element; fetch a calendar event corresponding to the generation time (Sorvari: [0308]);

attach to the data element metadata containing said calendar event (Sorvari: [0308]; [0035]).

20. As to claim 41, Sorvari as modified discloses, a data processing system as claimed in claim 33, wherein the system also comprises a positioning unit ([0085]), the positioning unit being also arranged to:

generate location information on a system element containing the positioning unit at the generation time of the data element (Sorvari: [0059]);

attach to the data element metadata containing said location information (Sorvari: [0273]-[0274]).

21. As to claim 42, Sorvari as modified discloses, a data processing system as claimed in claim 33, wherein said data elements contain image data ([0283]).

22. As to claim 43, the claim can be rejected for the same reason as claim 1. In addition, Sorvari discloses, a mobile station comprising:

a unit for producing data elements ([0050]);

data processing means for processing data elements ([0047]);

interface means containing output means for outputting information to the user and input means for receiving as input information from the user ([0002]; [0010]);

a phone list with at least part of its records containing name information of subscribers of a mobile communications system ([0048]), a record of name information of a subscriber comprising a name part including a subscriber's name in a form input by the user of the mobile station, and an address part including at least the subscriber's address in the mobile communications system ([0048]);

wherein said output means are arranged to output to the user at least a part of the content of a data element in connection with a view to name part of the phone list for selecting the subscriber's name in a form input by the user of the mobile station, for attaching person-based metadata that identifies the subscriber to the data element ([0035]; [0038]);

said input means are arranged to receive as input from the user a selected subscriber's name in a form input by the user of the mobile station ([0048]);

said data processing means are, in response to the selection of the subscriber's name, arranged to fetch the subscriber address in the mobile communications system related to the selected subscriber's name from the first database, and to attach to the data element person-based metadata that contains the fetched subscriber address at least in the mobile communications system ([0028]-[0029]).

Sovary does not explicitly disclose checking the access right to the data element on the basis of the subscriber address in the telecommunications system attached to the fetch request with the person-based metadata of the data element.

Sorvary, however, does not explicitly disclose, "selection option";

Smith, however, explicitly discloses checking the access right to the data element on the basis of the subscriber address in the telecommunications system attached to the fetch request with the person-based metadata of the data element (Smith: [0038]).

Barry, on the other hand, discloses, "selection option" that is modifiable (Barry: [0066]).

Sorvari, Smith and Barry are of the same field of endeavor, they specifically teach Web based telecommunication management (Sorvari: [0002]; Barry: [0002]; Smith: [0038]).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Barry and Smith into Sorvari of system and method for providing context sensitive recommendations to digital services, that would have allowed users of Sorvari to have an useful method of providing enterprise management tools to customers of a telecommunications service provider over the internet (Barry: [0002]) and tracking user activity at a terminal on a communication network and, more particularly, to methods and systems for generating user profiles based on user activity a communication terminal (Smith: [0001]).

23. As to claim 44, the claim can be rejected for the same reason as claim 1. In addition, Sorvari discloses, a method for data processing in a system, in which a data element is generated, and records are maintained in a first database, and at least part of the records of the first database comprise name information of a subscriber of a telecommunications system and the subscriber's address in the telecommunications system ([0048]), comprising:

outputting to the user with at least a part of the content of the data element in connection with the option of selecting at least one subscriber's name information for attaching person-based metadata that identifies the subscriber to the data element ([0035]; [0038]);

receiving as input from the user as input from said connected output said subscriber's name information selection ([0048]);

fetching, in response to the user's selection, the address of the subscriber in the telecommunications system related to the selected name information from the first database ([0048]);

attaching to the data element person-based metadata that contains the fetched subscriber address in the telecommunications system ([0048]);

storing data elements into a database system connected to the system, the database system comprising a server and database ([0028]-[0029]); and

receiving a data element fetch request from a computer connected to the server ([0028]-[0029]); and

Sovary does not explicitly disclose checking the access right to the data element on the basis of the subscriber address in the telecommunications system attached to the fetch request with the person-based metadata of the data element.

Sorvary, however, does not explicitly disclose, "selection option";

Smith, however, explicitly discloses checking the access right to the data element on the basis of the subscriber address in the telecommunications system attached to the fetch request with the person-based metadata of the data element (Smith: [0038]).

Barry, on the other hand, discloses, "selection option" that is modifiable (Barry: [0066]).

Sorvari, Smith and Barry are of the same field of endeavor, they specifically teach Web based telecommunication management (Sorvari: [0002]; Barry: [0002]; Smith: [0038]).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Barry and Smith into Sorvari of system and method for providing context sensitive recommendations to digital services, that would have allowed users of Sorvari to have an useful method of providing enterprise management tools to customers of a telecommunications service provider over the internet (Barry: [0002]) and tracking user activity at a terminal on a communication network and, more particularly, to methods and systems for generating user profiles based on user activity a communication terminal (Smith: [0001]).

24. As to claim 45, Sorvari as modified discloses, a method as claimed in claim 44, further comprising providing a selection view containing at least a part of the name information in the first database (Sorvari: [0052]).

25. As to claim 46, Sorvari as modified discloses, a method as claimed in claim 45, further comprising providing the user with the option of attaching to the data element an additional definition controlling its access right (Sorvari: [0279]; [0294]);

receiving as input from the user said additional definition; attaching said additional definition to the data element (Sorvari: [0295]).

26. As to claim 47, Sorvari as modified discloses, a method as claimed in claim 45, further comprising providing the user with the option of attaching to the data element an additional definition controlling a function executed during the storage of the data element (Sorvari: [0279]; [0294]);

receiving as input from the user said additional definition (Sorvari: [0295]);

attaching said additional definition to the data element (Sorvari: [0295]).

27. As to claim 48, Sorvari as modified discloses, a method as claimed in claim 47, further comprising receiving to the server said additional definition (Sorvari: [0295]); and,

in response to the received additional definition, executing said function during storage (Sorvari: [0295]).

28. As to claim 49, Sorvari as modified discloses, a method as claimed in claim 48, further comprising executing said function by transmitting the data element to the subscriber identified by the subscriber address in the telecommunications system

contained in the person-based metadata (Sorvari: [0295]-[0296]).

29. As to claim 50, the claim can be rejected for the same reason as claim 1. In addition, Sorvari as modified discloses, a method as claimed in claim 46, further comprising: defining the generation time of the data element (Sorvari: [0093]; [0123]);

attaching to the data element metadata containing an identifier that identifies a data series to which the data element belongs (Sorvari: [0093]; [0123]);

measuring a time interval between two data elements (Sorvari: [0076]; [0300]);

comparing the time interval with a predefined reference value (Sorvari: [0076]; [0300]);

attaching, in response to undershooting the reference value, to the later data element the same identifier as to the earlier data element (Sorvari: [0076]); and

attaching, in response to exceeding the reference value, to the later data element a different identifier than to the earlier data element (Sorvari: [0076]).

30. As to claim 51, Sorvari as modified discloses, a method as claimed in claim 46, further comprising:

detecting the generation time of the data element (Sorvari: [0308]);

fetching a calendar event corresponding to the generation time (Sorvari: [0308]);

attaching to the data element metadata containing said calendar event (Sorvari: [0308]; [0035]).

31. As to claim 52, Sorvari as modified discloses, a method as claimed in claim 46, further comprising:

generating the location information of the system element that generated the data element at the generation time of the data element (Sorvari: [0059]):

attaching to the data element metadata containing said location information (Sorvari: [0273] - [0274]).

32. As to claim 53, can be rejected for the same reason as claim 1. In addition, Sorvari discloses, a software product of a computer, further comprising: executing commands makes the computer to implement the steps of:

receiving a data element and person-based contentual metadata attached to the data element, the contentual metadata containing the address of at least one subscriber in a specific telecommunications system ([0035]; [0038]);

checking whether an additional definition controlling the access right of the data element is attached to the received data element ([0279]; [0294]);

executing said control in response to the fact that an additional definition is attached ([0295]).

Sovary does not explicitly disclose checking the access right to the data element on the basis of the subscriber address in the telecommunications system attached to the fetch request with the person-based metadata of the data element.

Sorvary, however, does not explicitly disclose, "selection option";

Smith, however, explicitly discloses checking the access right to the data element on the basis of the subscriber address in the telecommunications system attached to the fetch request with the person-based metadata of the data element (Smith: [0038]).

Barry, on the other hand, discloses, "selection option" that is modifiable (Barry: [0066]).

Sorvari, Smith and Barry are of the same field of endeavor, they specifically teach Web based telecommunication management (Sorvari: [0002]; Barry: [0002]; Smith: [0038]).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Barry and Smith into Sorvari of system and method for providing context sensitive recommendations to digital services, that would have allowed users of Sorvari to have an useful method of providing enterprise management tools to customers of a telecommunications service provider over the internet (Barry: [0002]) and tracking user activity at a terminal on a communication network and, more particularly, to methods and systems for generating user profiles based on user activity a communication terminal (Smith: [0001]).

33. As to claim 54, the claim can be rejected for the same reason as claim 1. In addition, Sorvari discloses, a network element of a telecommunications system, the network element comprising:

first interface means for receiving data elements ([0048]);

user interface means for outputting information to the user and receiving as input information from the user; second interface means containing output means for outputting information to the user and input means for receiving as input information from the user ([0002]; [0010]);

wherein the network element is connected to a first database for access to a phone list with at least part of its records containing name information of subscribers of a mobile communications system, a record of name information of a subscriber comprising a name part including a subscriber's name in a form input by the user of the network element, and an address part including a subscriber's address in the mobile communications system ([0048]);

said output means are arranged to output to the user at least a part of the content of a data element in connection with a view to name part of the phone list for selecting the subscriber's name in a form input by the user of the network element, for attaching person-based metadata that identifies the subscriber to the data element ([0035]; [0038]);

said input means are arranged to receive as input from the user a selected subscriber's name in the form input by the user as input from said connected output of the network element ([0048]);

said data processing means are, in response to the selection by the user, arranged to fetch the subscriber's address in the mobile communications system related to the selected name information from the first database ([0048]); and

to attach to the data element person-based metadata that contains the fetched subscriber address in the mobile communications system ([0048]).

Sovary does not explicitly disclose checking the access right to the data element on the basis of the subscriber address in the telecommunications system attached to the fetch request with the person-based metadata of the data element.

Sorvary, however, does not explicitly disclose, "selection option";

Smith, however, explicitly discloses checking the access right to the data element on the basis of the subscriber address in the telecommunications system attached to the fetch request with the person-based metadata of the data element (Smith: [0038]).

Barry, on the other hand, discloses, "selection option" that is modifiable (Barry: [0066]).

Sorvari, Smith and Barry are of the same field of endeavor, they specifically teach Web based telecommunication management (Sorvari: [0002]; Barry: [0002]; Smith: [0038]).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Barry and Smith into Sorvari of system and method for providing context sensitive recommendations to digital services, that would have allowed users of Sorvari to have an useful method of providing enterprise management tools to customers of a telecommunications service provider over the internet (Barry: [0002]) and tracking user activity at a terminal on a communication network and, more particularly, to methods and systems for generating user profiles based on user activity a communication terminal (Smith: [0001]).

34. As to claim 55, the claim can be rejected for the same reason as claim 1. In addition Sorvari discloses, a database system of a telecommunications system ([0005]; [0008]), the database system comprising a database and a server ([0005]), wherein the server comprises first interface means for receiving a data element and person-based contentual metadata attached to the data element, the contentual metadata containing the address of at least one subscriber in a specific telecommunications system ([0048]); and

data processing means arranged to check whether an additional definition controlling the access right of the data element is attached to the received data element ([0279]; [0294]);

execute said control in response to the fact that an additional definition is attached ([0295]).

Sovary does not explicitly disclose checking the access right to the data element on the basis of the subscriber address in the telecommunications system attached to the fetch request with the person-based metadata of the data element.

Sorvary, however, does not explicitly disclose, "selection option";

Smith, however, explicitly discloses checking the access right to the data element on the basis of the subscriber address in the telecommunications system attached to the fetch request with the person-based metadata of the data element (Smith: [0038]).

Barry, on the other hand, discloses, "selection option" that is modifiable (Barry: [0066]).

Sorvari, Smith and Barry are of the same field of endeavor, they specifically teach Web based telecommunication management (Sorvari: [0002]; Barry: [0002]; Smith: [0038]).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Barry and Smith into Sorvari of system and method for providing context sensitive recommendations to digital services, that would have allowed users of Sorvari to have an useful method of providing enterprise management tools to customers of a telecommunications service provider over the internet (Barry: [0002]) and tracking user activity at a terminal on a communication network and, more particularly, to methods and systems for generating user profiles based on user activity a communication terminal (Smith: [0001]).

35. As to claim 56, the claim has been cancelled by the applicant.

36. As to claim 57, the claim has been cancelled by the applicant.

37. As to claim 58, Sorvari as modified discloses, a database system as claimed in claim 57, wherein the combination rule of the data processing means is a functionality stored in the data processing means, and the data processing means are arranged to check the combination rule in response to receiving data elements (Sorvari: [0281]-[0282]).

38. As to claim 59, Sorvari as modified discloses, a database system as claimed in claim 57, wherein said interface means are arranged to receive the combination rule from the user (Sorvari: [0281]-[0283]).

39. As to claim 60, the claim can be rejected for the same reason as claim 1. In addition, Sorvari discloses, a computer program product encoding a computer process of instructions for executing a computer process ([0050]), maintaining records in a first database of a data processing system associated to a first subscriber of a telecommunications system, at least part of the records of the first database comprising name information given by the first subscriber to the one or more other subscribers of a telecommunications system and subscriber addresses of the one or more other subscribers in the telecommunications system ([0047]);

outputting to the first subscriber at least a part of the content of the data element in connection with the option of selecting name information of the one or more other subscribers ([0035]; [0038]);

receiving from the first subscriber a selection of name information of at least one other subscriber; fetching from the first database, a subscriber address related to the selected name information ([0048]);

attaching to the data element person-based metadata that contains the fetched subscriber address; sending the data element with the attached person-based metadata to a database system connected to the system, the database system comprising a server and a second database ([0028]-[0029]); and

receiving a data element fetch request from a computer connected to the server; and checking the access right to the data element by comparing the subscriber address attached to the fetch request with the person-based metadata of the data element. (0048)), the process comprising:

outputting to the user with at least a part of the content of the data element ([0002]; [0010]) in connection with the option of selecting at least one subscriber's name information for attaching person-based metadata that identifies the subscriber to the data element ([0035]; [0038]);

receiving from the user as input from said connected output said subscriber's name information selection ([0002]; [0010]);

fetching, in response to the user's selection, the address of the subscriber in the telecommunications system related to the selected name information from the first database ([0048]);

attaching to the data element person-based metadata that contains the fetched subscriber address in the telecommunications system ([0048]);

storing data elements into a database system connected to the system, the database system comprising a server and database 0028]-[0029]); and

Sovary does not explicitly disclose checking the access right to the data element on the basis of the subscriber address in the telecommunications system attached to the fetch request with the person-based metadata of the data element.

Sorvary, however, does not explicitly disclose, "selection option";

Smith, however, explicitly discloses checking the access right to the data element on the basis of the subscriber address in the telecommunications system attached to the fetch request with the person-based metadata of the data element (Smith: [0038]).

Barry, on the other hand, discloses, "selection option" that is modifiable (Barry: [0066]).

Sorvari, Smith and Barry are of the same field of endeavor, they specifically teach Web based telecommunication management (Sorvari: [0002]; Barry: [0002]; Smith: [0038]).

It would have been obvious to one of the ordinary skill in the art at the time of applicant's invention to incorporate the teachings of Barry and Smith into Sorvari of system and method for providing context sensitive recommendations to digital services, that would have allowed users of Sorvari to have an useful method of providing enterprise management tools to customers of a telecommunications service provider over the internet (Barry: [0002]) and tracking user activity at a terminal on a communication network and, more particularly, to methods and systems for generating user profiles based on user activity a communication terminal (Smith: [0001]).

Prior art made of record

40. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Janik (US 20020013852) teaches system for providing content, management and interactivity for thin client devices

Mehra et al. (US 20020049603) teach method and apparatus for a business applications server.

Response to Arguments

41. Applicant's arguments with respect to claims 33-55 and 58-60 have been fully considered but they are not persuasive, for examiner's response see discussion below.

Claims 33-60 were previously pending in the application. Claim 56 is canceled; leaving claims 33-55 and 57-60 for consideration.

Applicant's arguments: Claims 33-60 were rejected under 35 U.S.C. 103(a) as being unpatentable over SORVARI et al. U.S. Publication Number 2004/0043758 in view of BARRY et al. U.S. Publication Number 2005/0216421. That rejection is respectfully traversed.

The present invention discloses a solution for using person-based metadata in data processing. The phase of attaching of the metadata is made easier for the user through offering for selection his or her own name information available together with at least a part of the data that is currently being annotated. Each name in the name information is

related to a subscriber address in a telecommunications network, and after the user has made the selection, this subscriber address is fetched and attached as person-based metadata. The person-based metadata may then be used as a basis for checking access rights to the data item. SORVARI discloses a solution where a wireless device is enabled to compile multiple lists of bookmarks that are organized on the basis of user access. The solution also proposes automatic organization of the bookmarks and their presentation to the users. The wireless device determines a current context which is inferred through sensory information from sensors of the device (e.g., location sensor, speed sensor, light sensor, sound sensor, etc.), clock, user's activities, and so forth. This context may be used as a basis for deciding which services to recommend to the user via the user interface. As for recited data item, the Official Action made reference to paragraph [0050] of SORVARI that discloses reception of WML data from remote servers. It could thus be assumed that the Examiner's intention was to show correspondence between data items in the present invention with selection of recommended bookmarks in SORVARI.

With respect to attaching person-based metadata, reference was made to Figures 13 and 14C of SORVARI. Figure 13 indicates the automatically collected metadata types in the user's wireless terminal (positioning, touch, compass, ambient light, ambient temperature, 3-axis acceleration). Figure 14C shows a process flow where the user's device is programmed to automatically obtain the current metadata vector from the context inference engine. Both the Figures show that the wireless device automatically compiles a metadata vector, attaches the metadata vector to information on the current

activity of the user and sends the metadata vector and activity as a pair to the server. The wireless device does not attach the metadata to the recommendations, but to the information it sends to trigger delivery of the recommendations. In addition, the metadata of SORVARI et al is not person-based metadata that identifies a subscriber. Referring to present Claim 33, SORVARI does not disclose output means arranged to output to the user at least part of the content of a data element in connection with at least one selection option for selecting the name information of a subscriber for attaching person-based metadata that identifies the subscriber to the data element. In SORVARI, metadata is generated automatically so no such combined output is necessary, nor shown. SORVARI does not show or even suggested that the attached metadata would be person-based metadata, nor that it would be attached to a recommendation by the server according to a selection by the user of the wireless device. Since the metadata of SORVARI is collected automatically, the user does not provide the metadata. In addition, SORVARI neither discloses input means arranged to receive as input from said connected output from the user said selection of a subscriber's name information, nor discloses the related step of fetching the subscriber address in the telecommunications system related to the selected name information from the first database. Finally, **SORVARI does not disclose attaching to the data element person-based metadata that contains the fetched subscriber address in telecommunications system. As discussed above, the metadata of SORVARI is not person-based metadata and is not attached to the recommendations.** Alternatively, since the references are not completely explicit, there is another

interpretation of the arguments referring to the data items. The metadata of SORVARI may also be attached to activity information that the user provides. This could imply that the Examiner interprets the activity information of SORVARI as metadata and metadata vector as data item. This interpretation does not, however, meet the claims, since **neither of these data types could be considered as person-based metadata as claimed in the present invention.** In addition, the pair of current context and activity is not accessed later on by other subscribers, so furnishing that information with person-based metadata to control access to the information is not disclosed in SORVANI. As for the arrangement of the second database and the server, the Official Action references Figures IIC and IiD of SORVANI. Figure IIC discloses an operation in the wireless device where past recommended recommendations from the service history are gathered and paired with the current context of the device, and the paired information is sent to a network server. Figure IiD shows the corresponding response of the server. The server accesses from the database recommendations that correspond to the current context.

SORVARI does not, however, disclose using the person- based metadata and the subscriber address of a requesting user to check the requesting user's access right to the data element. These deficiencies are not remedied by BARRY. BARRY describes a method of doing business over the Internet. The arrangement applies a plurality of screens used for interacting with the user. However, none of the used screens, including the StartOE screen of Figure 17, referred to in the Official Action, discloses a screen to output to the user at least part of the content of a data element in

connection with at least one selection option for selecting the name information of a subscriber for attaching person-based metadata that identifies the subscriber to the data element. In general, BARRY does not deal with operations involving metadata and is thus silent on all the respective features applying the person-based metadata as claimed in the present invention. **It is submitted that neither SORVARI nor BARRY disclose attaching person-based metadata to data elements nor use of attached person-based metadata to control access to the data element.** The above-noted features, are absent from each of the references, are absent from the proposed combination, and thus, the proposed combination of references does not meet the present claims.

Examiner's response: Sorvary discloses [0035] FIG. 13 is a functional block diagram of an example of a wireless device, a server, and a web server, and their interaction when exchanging a metadata vector and privacy control data and when exchanging a context-activity pair and associated recommendations.

Sorvary further discloses, [0072] [B] Bookmarks/short-cuts may be generated from metadata associated with a particular service site. Metadata is often employed by search engines, service sites and/or other network entities to characterize or classify the content on a particular service site to facilitate user searches. Accordingly, one or more short-cuts may be generated for association with a particular service according to the metadata associated with that service, such as by identifying and selecting one or more words or terms from the metadata which aptly characterizes the service. This

may be accomplished by manually examining the metadata associated with a service site, or through probability analysis in which the words or terms showing up a significant number of times or the greatest number of times is used as the short-cut. In above statements, Sorvary discloses **"person-based metadata"**

Moreover, as explained in the office action, Sorvari discloses, a data processing system comprising: a unit for producing data elements ([0050]); data processing means for processing data elements ([0047]); a first database with at least part of its records containing the name information of a subscriber of a telecommunications system and the subscriber's address in the telecommunications system ([0048]); and interface means containing output means for outputting information to the user and input means for receiving as input information from the user ([0002]; [0010]); said output means are arranged to output to the user at least a part of the content of a data element in connection with at least one selection option for selecting the name information of a subscriber for attaching person-based metadata that identifies the subscriber to the data element ([0035]; [0038]); said input means are arranged to receive from the user as input from said connected output selection of a subscriber's name information ([0048]); wherein said data processing means are, in response to the name selection by the user, arranged to fetch the subscriber address in the telecommunications system related to the selected name information from the first database ([0048]); and to attach to the data element person based metadata that contains the fetched subscriber address in the telecommunications system ([0048]), and the system also comprises a database system

for storing data elements, the database system comprising a server and a second database, said server being arranged to receive a fetch request for a data element from a user terminal accessing the server ([0028]-[0029]); and to check the access right to the data element on the basis of the subscriber address in the telecommunications system attached to the fetch request with the person-based metadata of the data element ([0048]; [0295]).

Applicant's arguments: In addition, a person of ordinary skill in the art, having the knowledge on SORVARI and faced with the need to tag data for later control, would not have turned into BARRY as BARRY does not deal with control and storage of data elements. Even if one were to consider BARRY the claimed invention would not have been obvious at least with respect to data elements furnished with person-based metadata and made accessible on the basis for this person-based metadata. BARRY does not disclose or even suggest associating data items with metadata, not to mention using person-based metadata for the purpose.

The analysis above regarding claim 33 equally applies to claim 43 with respect to the corresponding features. In addition it is noted that neither SORVARI nor BARRY disclose a mobile station producing data elements, nor a mobile station output where a produced data item and a view to name part of the phone list of the mobile station are displayed to the user. The analysis above regarding claim 33 equally applies to claim 44 with respect to the corresponding features.

Regarding claim 53 the Official Action makes reference to paragraph [279] of SORVARI that describes a mobile user's privacy control feature that enables the user to designate which application programs are granted access to the context awareness. Granting access to application programs of SORVARI does not meet the recited granting access to other subscribers in the present invention. In addition, in SORVARI the access is granted to context awareness information, not to the recommendations. The data elements (activity context pairs) comprising the metadata are not accessed by other subscribers of SORVARI and access to them is thus not controlled by that person-based metadata.

Reference is also made to paragraph [294] of SORVARI that describes a server maintaining a personal profile of the user's characteristics and preferences, and use of this profile to automatically formulate a query to the database. Use of personal profile to formulate a query does not meet the recited use of person-based metadata to control access to a data element in the database.

The analysis above regarding claim 33 equally applies to claims 54 and 55 with respect to the corresponding features. In addition, it is noted that the referred parts of SORVARI disclose elements of a wireless device, whereas claim 54 discloses a network element and claim 55 discloses a database system.

The analysis above regarding claim 33 equally applies to claim 60 with respect to the

corresponding features .In view of the present amendment and the foregoing remarks, it is believed that the application has been placed in condition for allowance.

Reconsideration and allowance are respectfully requested.

Examiner's response: See the above response. In addition Sorvary discloses, [0035]

FIG. 13 is a functional block diagram of an example of a wireless device, a server, and a web server, and their interaction when exchanging a metadata vector and privacy control data and when exchanging a context-activity pair and associated recommendations; which clearly recites the controlling function.

Conclusion

41. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action

Contact Information

42. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FAZLUL QUADER whose telephone number is (571)270-1905. The examiner can normally be reached on M-F 8-5 Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on 571-272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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